



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20350

SECNAVINST 1620.7
NMPC-84

19 MAY 1980

SECNAV INSTRUCTION 1620.7

From: Secretary of the Navy

Subj: Desertion and unauthorized absence

Ref: (a) DOD Directive 1325.2 of 20 Aug 79 (NOTAL)
(b) DOD Memorandum of 9 Aug 78, Deserter Apprehension Program (NOTAL)
(c) Memorandum of Understanding between DOD and FBI of 3 Oct 78 (NOTAL)
(d) SECNAVINST 1630.2
(e) SECNAVINST 5520.3

Encl: (1) Offenses in Aggravation of Desertion in Naval Service

1. Purpose. To implement references (a) and (b) by establishing policies designed to minimize unauthorized absence and desertion, foster development of effective deterrent programs, enhance apprehension efforts, and provide for accurate and timely reporting of incidents of unauthorized absence/desertion.

2. Background. Unauthorized absence is the most frequently committed offense in the military. In the past the services apprehension program relied significantly on the assistance of the Federal Bureau of Investigation (FBI) through its routine investigation and apprehension of deserters. Currently, the FBI is limiting investigation and apprehension of deserters to those cases where aggravating circumstances exist (reference (c)). The FBI will continue to provide other support such as the inclusion of deserter information in the Wanted Person File of the National Crime Information Center (NCIC). In order to compensate for this reduced FBI participation, reference (b) approved an enhanced deserter apprehension program. A key element of that program is to encourage, by appropriate service action, other civil law enforcement agencies to increase their efforts in regard to apprehending deserters. This instruction provides policies and assigns responsibilities to ensure attainment of the program's objectives within the Department of the Navy.

3. Definitions. For the purpose of this directive, the following definitions apply:

a. Absentee. Any person in the naval service not classified administratively as a deserter who is absent without authority from his/her unit, organization, or other place of duty at which he/she is required to be.

b. Deserter. Any person in the naval service who has been administratively classified as a deserter.

4. Policy. Unauthorized absence and desertion constitute serious violations of military discipline, reduce military effectiveness and impose additional burdens on commanders and other service personnel. Therefore, it is the policy of the Department of the Navy to curtail unauthorized absence and desertion through education, counseling, disciplinary or administrative action as appropriate, and rehabilitation. Every effort will be made to locate and return to military control absentees and deserters. Location and apprehension of deserters will be accomplished primarily by civil law enforcement agencies. To ensure the continuing cooperation of these agencies, a centralized Deserter Information Point (DIP) will be established in each service, supported by Absentee Collection Units for the expeditious return of absentees and deserters to military control. Reward and reimbursement claims of civil law enforcement agencies effecting deserter apprehensions will be adjudicated and paid promptly. Cases of absence/desertion aggravated by the fact the absentee/deserter is also suspected of having committed an offense described in enclosure (1) shall be handled on a preferential basis. The assistance of the Federal Bureau of Investigation in locating and apprehending aggravated cases described in enclosure (1) will normally be requested through the Naval Investigative Service. Absentees and deserters suitable for further productive service will be restored to duty upon completion of any disciplinary action.

5. Action

a. In accordance with reference (a), the Chief of Naval Operations and the Commandant of the Marine Corps are designated the senior policy officials to serve as the focal points for absentee and deserter policy and for the administration of their respective deserter apprehension programs. As such, they or their designees shall:

(1) Establish a centralized Deserter Information Point which shall provide for the control, accounting and dissemination

of absentee and deserter information and shall coordinate the actions of the Absentee Collection Units necessary to accomplish prompt return of absentees and deserters to military control.

(2) Establish Absentee Collection Units which shall take custody of absentees and deserters apprehended by civil law enforcement personnel and return such personnel to the proper military authorities. Absentee Collection Units shall be centrally funded and dedicated to the deserter apprehension program. Absentee Collection Units will as a goal take custody of apprehended absentees and deserters within 48 hours of receipt of notification by civil law enforcement agencies that such personnel are available for return to military control. Absentee Collection Units shall, at the local level, coordinate with similar units of the other services in order to conserve resources and to ensure expeditious response to requests from civil law enforcement agencies.

(3) Issue implementing directives necessary to carry out the policies, responsibilities and procedures prescribed in reference (a) and this instruction.

b. Marine Corps commands at Marine Corps installations shall report all aggravated circumstances of unauthorized absence and desertion immediately to the installation provost marshal/military police activity for appropriate action in accordance with reference (d), and for referral to the NIS in accordance with this instruction.

c. Director, Naval Investigative Service shall investigate or refer to other Federal law enforcement, security and intelligence agencies for investigation those cases of absence or desertion aggravated by the fact that the absentee or deserter is also suspected of having committed offenses described in enclosure (1).

6. Program Evaluation. The Chief of Naval Operations and the Commandant of the Marine Corps will provide:

a. The brief summary of the semi-annual statistical information required by reference (a).

b. An evaluation of program results within the Navy and the Marine Corps coincident with the annual joint service evaluation meeting required by reference (a).

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(Manpower, Records, Admin & Logistics)

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OFFENSES IN AGGRAVATION OF DESERTION IN NAVAL SERVICE

1. Violations of the Uniform Code of Military Justice

- Art. 82 Soliciting or advising another to: desert, mutiny, commit misbehavior before the enemy or engage in sedition.
- 90 Striking, drawing, or lifting up any weapon or offering any violence to his superior commissioned officer in the execution of his office.
- 91 Striking or otherwise assaulting a warrant officer, a non-commissioned officer or petty officer while in the execution of his office.
- 92 Disclosure of classified defense information.
- 93 Cruelty and maltreatment.*
- 94 Mutiny or sedition.*
- 95 Resistance, breach or arrest, and escape.*
- 96 Releasing prisoner without proper authority.*
- 97 Unlawful detention.*
- 99 Misbehavior before the enemy.
- 100 Subordinate compelling surrender.
- 103 Looting and pillaging.
- 104 Aiding the enemy.
- 105 Misconduct as a prisoner.*
- 106 Spying.
- 110 Improper hazarding a vessel.*
- 113 Misbehavior of sentinel.*
- 116 Riot.
- 118 Murder.
- 119 Manslaughter.
- 120 Rape.
- 122 Robbery.
- 124 Maiming.
- 125 Sodomy by force and without consent, or with a child under the age of 16 years.
- 126 Arson.
- 127 Extortion.
- 128 Assault upon a commissioned officer not in the execution of his office.
- 134 Assault:
- Indecent.
 - With intent to commit voluntary manslaughter, robbery, sodomy, arson or burglary.
 - With intent to commit housebreaking.
 - With intent to commit murder or rape.

Art. 134 (cont'd)
Firearm, discharging:
Wrongfully and willfully, under/circumstances as to
endanger life.
Homicide, negligent.
Indecent acts or liberties with a child under the age of
16 years.
Disloyal statements.*
Impersonating a commissioned, warrant, noncommissioned or
petty officer.*
Obstruction of justice.*
Subornation of perjury.*
Communicating a threat.*

80 Attempting to commit any of the above.
81 Conspiracy to commit any of the above.

Any other offense within the investigative responsibilities of NIS as
prescribed by reference (e).*

2. Cases involving desertion of officers.

3. Cases involving personnel who have had access to classified defense
information which if disclosed could jeopardize the security interests
of the United States.

* Special requests must be submitted to the FBI for their assistance on
a case by case basis under the provisions of paragraph (5) of reference
(c).